

Application Ref: 14/02110/FUL

Proposal: Retain existing 15m high temporary mast supporting 3no. antennas, temporary radio equipment housing and development ancillary thereto including temporary fenced compound for 12 months

Site: 83 Thorpe Road, Peterborough, PE3 6JQ

Applicant: EE Ltd And Hutchison 3G Ltd
Agent: Ms Jenny Bye, Waldon Telecom Ltd

Referred by: Director of Growth and Regeneration and Councillor Fitzgerald
Reason: In response to the level of public objection
Site visit: 30.12.2014

Case officer: Mr S Falco
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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site comprises the Thorpe Lodge Hotel located to the southern side of Thorpe Road, one of the principal routes into the City Centre. To the rear of the hotel is a large area of hardstanding which acts as a car park for staff and patrons, bound along the southern boundary by a 1.8 metre high close boarded fencing (in part) with mature trees beyond.

The surrounding area is predominantly residential with residential apartments located in Ashfields sited to the east and south-east, and dwellings on Fairmead Way to the south.

Proposal

The mast subject to this application was erected on 24th March 2014 following the requirement to remove a permanent macro cell (large-scale coverage cell) on top of the now redundant Peterborough District Hospital Roof. On 17th April 2014, the Local Planning Authority sent confirmation to the Applicant that the erection of the mast was deemed to be an 'emergency' and as such, the mast did not require planning permission to be in situ for a period of 6 months. This expired on 24th September 2014.

The Applicant submitted an earlier application (reference 14/01644/FUL) on 11th September 2014 to allow for the mast to be retained on site for a period of 12 months. This was withdrawn owing to the requirement to produce a noise assessment.

The current application represents a re-submission of this above application and seeks to extend the time period for the retention of the temporary mast to 24th September 2015.

2 Planning History

| Reference | Proposal | Decision | Date |
|------------------|---|-------------------|-------------|
| 10/01335/NDMTEL | Installation of 8m high replica flagpole and two equipment cabinets | Approved (appeal) | 11/10/2010 |
| 14/00609/PDNOT | Installation of 15m temporary mast | Comments | 17/04/2014 |
| 14/01037/PDNOT | Installation of electronic communications apparatus | Comments | 17/06/2014 |
| 14/01644/FUL | Retain existing 15m high temporary mast supporting 3no. antennas, temporary radio equipment housing and development ancillary thereto including temporary fenced compound for a period of twelve months | Withdrawn | 04/11/2014 |

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 5 - Telecommunications Development

The number of masts should be minimised. Existing structures should be used where possible. If new sites are required, equipment should be sympathetically designed and camouflaged. Evidence should be provided to demonstrate that there would be no significant/irremediable interference with other electrical equipment, etc; Applications must be determined on planning grounds and should not seek to prevent competition, question the need for the equipment, or consider health safeguards if the International Commission Guidelines for public exposure are met.

Peterborough Core Strategy DPD (2011)

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

4 Consultations/Representations

Nene Valley Nature Improvement Area (NIA)

No comments received.

PCC Pollution Team (22.12.14)

No objection – The previous noise complaint issues appear to have been resolved and my visit concurs with the conclusions of the submitted Noise Assessment (that the fan does not exceed background levels). Request a condition limiting noise levels to no more than 5dB above background levels.

Local Residents/Interested Parties

Initial consultations: 18

Total number of responses: 5

Total number of objections: 5

Total number in support: 0

Three letters of objection have been received from local residents on the following grounds:

- The mast appeared on 25th March 2014 and initially there was a generator attached to it making very loud noise and disturbing all the neighbours throughout the day and night. We spent 2 weeks of sleepless nights until the generator was replaced which had a tremendously negative impact on our lives. Despite this, the noise has not completely gone and we can still hear it from our bedrooms and gardens at night when there is less environmental noise.
- We have spent months trying to convince the Council that it is our human right to live in peace in our own home but, as we were told it could only stay until 24th September 2014, we decided not to take any further action. Its retention is unacceptable as it is noisy, ugly and upsetting and we have not been able to enjoy our garden all spring and summer.
- These masts are never found in residential areas, only isolated sites.
- I know that there are many residents in the surrounding area, including Thorpe Lea Gardens who want to see this mast removed and a petition has been signed to this effect. What happened to Democracy?
- These people have dodged the system enough.
- If any permission is granted for this mast I will have no option but to call the press and get them involved as I do believe it is morally wrong to put a telecoms mast in a residential area, cause so much noise and nuisance to neighbours and have such large structures next to our gardens.
- There is already a telecom mast attached to the building on the same property.
- The games with withdrawal of application and re-application should be looked into by the Council Solicitors.

In addition, a petition of 42 signatures against the proposal has been submitted.

Stewart Jackson MP – I am very concerned about any application that seeks to extend temporary permission as I feel that it paves the way for permanent erection of such a mast. It is clear that the noise is causing significant disruption to local residents, especially in the summer when the noise can be heard at its loudest. I am also concerned about the streetview and the mast's appearance.

5 **Assessment of the planning issues**

The main considerations are:

- Design and impact upon the character and appearance of the surrounding area
- Impact upon neighbour amenity
- Highway implications
- Radiation and public health

a) Background

In 2012, all telecoms equipment sited on the roof of the former Peterborough District Hospital site was removed thereby resulting in a need to provide alternative sites within the locality to maintain coverage. In June 2012, the Applicant erected a temporary 15 metre high mast within the hospital grounds through exercising the 'emergency' permitted development rights for electronic communications operators. This expired on 6th December 2012. A further extension was allowed informally by Officer to 31st January 2013 as a gesture of good will to allow the operator to implement a permanent replacement. This permanent replacement was granted consent under application reference 11/01388/NTEL) is located to the east of the current application site, off Bourges Boulevard and in close proximity to the petrol filling station. Owing to difficulties in connecting this replacement mast to the network, the Applicant requested a further extension of time to the 'emergency mast' for 12 months. This was granted under application reference 13/00342/FUL with a requirement that the mast and all other supporting equipment be removed by 30th September 2013.

The above temporary mast was actually removed on 18th August 2013 and resulted in no coverage within the area. The permanent replacement site was connected, however it did not provide the extent of coverage that had been expected by the Applicant's advisors. As such, there is a requirement to provide a further cell located to the west of the 'coverage area' (located around the former Hospital).

In light of this and to maintain adequate network coverage, on 24th March 2014 the mast currently in situ on the application site was erected. The 6-month 'emergency' permitted development period (whereby planning permission is not required) for this mast expired on 24th September 2014 and therefore, its retention beyond this date is unauthorised.

The current planning application seeks to regularise this retention and allow the mast to continue to be sited until 24th September 2015.

b) Design and impact upon the character and appearance of the surrounding area

The temporary telecoms mast is set to the rear-most extent of the application site and is well-screened by the existing development which fronts on to the public highway. As such, it is not readily visible from the public realm and it is not considered that it has any unacceptable level of impact in terms of the visual amenity of the streetscene along Thorpe Road. However, it is acknowledged that the structure is visible from the surrounding residential properties given that it stands taller than the intervening trees and vegetation. Given its relative height to these properties and proximity to the shared boundary, it does result in some degree of dominant and overbearing impact to occupants.

Whilst the Applicant has requested permission be granted for the mast and its supporting structures to be retained until 24th September 2015, Officers consider that this is too long (particularly in light of the fact that it has already been in situ for 9 months) and would result in an unacceptably long period of visual impact for neighbouring residents. Accordingly, Officers consider it appropriate to permit only a 6 month period of retention. This would limit the time period of the visual impact to neighbouring residents whilst allowing a reasonable period for the Applicant to find an alternative site.

Subject to this temporary 6-month period it is considered that the proposal would not result in an unacceptable level of impact to the character, appearance or visual amenity of the locality

and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

c) Noise impact upon neighbour amenity

The telecoms mast and associated generator are located on land immediately adjacent to residential properties and it is noted that they have objected to its retention. Their objections are mainly in relation to the noise disturbance which was previously experienced by a generator providing electricity to the mast. This disturbance resulted in a noise nuisance complaint which was investigated by the City Council's Pollution Control Team. As part of this investigation, the Applicant has taken measures to reduce the level of noise disturbance and the current application has been accompanied by a Noise Assessment.

The Noise Assessment concludes that the fan to the generator which is now in situ (following replacement) does not result in any increase above background noise levels. The Pollution Control Officer has visited the site and concurs with this view that the fan is no longer audible. However, in light of the previous complaints received, objections raised by local residents and to ensure that no unacceptable impact in terms of noise disturbance results, it is considered necessary to impose a restrictive noise condition. It is proposed to secure a condition which requires that the noise from plant associated with the mast does not exceed 5dB LA_{eq, 1hour} above background levels at any time. This will ensure that should any complaints be received, the Local Planning Authority has recourse to take immediate action to rectify the matter.

Subject to the imposition of this condition, it is considered that the retention of the mast would not result in any unacceptable impact to the amenities of neighbouring occupants, in accordance with paragraph 123 of the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

d) Highway implications

There is sufficient space within the application site for a service vehicle to pull clear of the public highway during periods of maintenance and commissioning to prevent any danger to highway users. On this basis, the scheme is in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

e) Radiation and public health

Paragraph 46 of the National Planning Policy Framework (2012) clearly states that 'Local Planning Authorities must determine applications on planning grounds. They should not ... determine health safeguards if the proposal meets International Commission guidelines for public exposure'. The application has been accompanied by a certificate confirming accordance with the International Commission on Non-Ionizing Radiation. The proposal is therefore in accordance with national planning policy.

f) Other matters

In response to those objections raised by local residents not discussed above:

Existing mast on the Thorpe Lodge Hotel building

An appeal was determined in 2011 following action taken by the Council against the installation of a telecoms mast to the side of the building. The Inspector concluded that the mast was 'permitted development' and therefore did not require the benefit of planning permission.

Withdrawal of the earlier application

An Applicant is entitled to withdraw any planning application and re-submit which is what has occurred in respect of this application. The earlier application was withdrawn following discussion with Officers and a request for the submission of a Noise Assessment.

Precedent

The granting of an extension to a temporary permission does not set a precedent for the permanent erection of a mast on the site. The current application does not request the permanent retention of the mast in situ and it cannot be considered on the basis of future development. Any future planning applications (if submitted) will be determined on their own merits and be subject to further public consultation.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the retention of the mast and its supporting infrastructure would not result in any unacceptable level of harm to the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the plant associated with the telecoms mast would not result in any unacceptable level of disturbance and harm to the amenities of neighbouring occupants, in accordance with paragraph 123 of the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the retention of the mast would not result in any unacceptable impact to the adjacent public highway, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012); and
- the application has been accompanied by a certificate confirming accordance with the International Commission on Non-Ionizing Radiation, in accordance with paragraph 43 of the National Planning Policy Framework (2012).

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The mast and associated infrastructure shall be removed, and the land restored to its former condition, on or before 3rd August 2015.

Reason: In the interests of the amenity of the area and neighbouring residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012).

- C 2 The noise from the mast and associated plant/infrastructure shall not exceed 5dB LA_{eq, 1hour} above the background noise levels set out in the submitted 'Environmental Noise Impact Assessment of the Telecoms Mast at Thorpe Lodge Hotel, Peterborough' when measured at the nearest noise sensitive receptor.

In the event of any reasonable noise complaint being received by the Local Planning Authority, the Developer (or their successor's in Title) shall submit a further assessment to demonstrate compliance with the noise limits above within one month of written notice from the Local Planning Authority. If the noise limits are found to be in exceedance, mitigation measures to ensure compliance shall be submitted to and approved in writing by the Local Planning Authority within an agreed timetable and implemented in full thereafter.

Reason: In order to protect the amenities of neighbouring occupants, in accordance with paragraph 123 of the National Planning Policy Framework (2012), Policy CS16 of the

Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

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